

REMARKS

This is a full and timely response to the outstanding final Office Action mailed January 25, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Claim Rejections - 35 U.S.C. § 102(a)

Claims 18-21 and 28-31 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Hanson (U.S. Pat. No. 6,148,346). Applicant notes that claims 19 and 28-31 have been canceled through this response. Applicant respectfully traverses of this rejection as to claim 18, 20, and 21.

With reference first to independent claim 18, Applicant claims (emphasis added):

18. On a computer coupled to a dedicated purpose device, a method comprising:

receiving a markup language document from the dedicated purpose device;

displaying the markup language document as a menu page of the dedicated purpose device by interpreting the markup language document with a browser application of the computer;

activating a menu item on the menu page;

in response to the activating, receiving an updated markup language document from the dedicated purpose device.

In regard to claim 18, as amended, Applicant notes that Hanson does not teach displaying a markup language document using a "browser application". Contrary to that asserted in the Office Action, column 4, lines 60-63 of the Hanson reference mentions no "browser". Instead, that portion of the Hanson disclosure only states:

When the OS independent device driver portion 34 is written in the Java language, as multiple Java applets (small independent Java language programs), the host computer system 10 must include a Java applet loader 50, a Java data channel 58 and a Java interpreter 19. (Hanson, column 4, lines 58-62)

Given that Hanson does not teach use of a browser application to display a markup language document-based menu on a computer, Hanson does not anticipate claim 18, or claims 20 and 21 which depend from claim 18. Applicant therefore respectfully requests that the rejection be withdrawn.

Applicant further notes for the record that the amendment to claim 18 does not raise any new issues for consideration given that the content added to claim 18 was already examined when it was contained in now-canceled claim 19.

II. Claim Rejections - 35 U.S.C. § 103(a)

A. Rejection of Claims 1-17, 22-24, and 32-35

Claims 1-17, 22-24, and 32-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hanson in view of Canon NP-6551 ("Canon," <http://www.petter-business.com/NP6551.html>). Applicant maintains the traversal of this rejection.

1. The Hanson Disclosure

As is described in Applicant's previous Response, Hanson discloses a system for dynamically connecting peripheral devices to a host computer. Specifically, Hanson discloses a dynamic device driver that uses an object-oriented language to provide for dynamic connection of peripheral devices. Hanson, column 3, lines 37-41. With the

dynamic device driver, the computer's operating system can communicate with peripherals that are connected locally or remotely. Hanson, column 4, lines 13-15.

In Hanson's disclosed embodiment, the dynamic device driver 42 includes an OS specific driver portion 33, and an OS independent device driver portion 34. Hanson, column 4, lines 21-25. The OS specific device driver portion is the two-way translating communication layer between the OS of the host computer and the OS independent device driver portion, which can reside on the host computer or the peripheral device. Hanson, column 4, lines 36-45.

In operation, a user selects an identified peripheral device from a menu in a given program executing on the computer, such as Microsoft Word™. Hanson, column 8, lines 11-13. The user can then, for example, choose to change a setting of the identified peripheral. Hanson, column 8, lines 16-19. In such a case, the operating system on the computer **“generates a display of the GUI objects and the peripheral specific data objects on display device 15 of the host computer system 10.”** Hanson, column 8, lines 24-27. The user can then change the settings through selection of various graphically displayed peripheral specific data objects options within the GUI objects. Hanson, column 8, lines 30-32. In this manner, the settings of the peripheral device can be changed.

Significantly, Hanson is silent as to presenting menus or other GUIs on a display of a dedicated purpose device.

2. The Cannon Disclosure

The Cannon reference, which comprises a mere two paragraphs, describes a copier that includes a “Touch-sensitive LCD panel.” Notably, the reference says nothing else about the LCD panel, or what information is displayed in it.

3. Applicant's Claims

Beginning with independent claim 1, Applicant claims (emphasis added):

1. A dedicated purpose device comprising:
a touch sensitive *menu screen to present menu pages* having one or more selectable menu items; and
markup language documents that define the menu pages.

In the previous Office Action, the Examiner stated:

. . . Hanson does not explicitly teach a touch sensitive menu screen within the dedicated purpose device. However, Canon describes, in the second paragraph, a copier (dedicated purpose/peripheral device such as in Hanson) that includes a touch-sensitive LCD panel, which provides the types of GUI objects (i.e. menus) present in Hanson. It would have been obvious to one of ordinary skill in the art to provide a touch sensitive panel in the peripheral device of Hanson in order to display the HTML defined menu pages of Hanson directly on the peripheral device as taught by Canon.

There are fundamental problems with this argument. Contrary to that expressed in the argument, the main deficiency of the Hanson disclosure is not that Hanson does not teach a touch-sensitive menu screen of a dedicated purpose device. Instead, the main deficiency of the Hanson disclosure is that Hanson does not teach or suggest using markup language documents to define menu pages presented on a dedicated purpose device. As is noted above, Hanson discloses, and only discloses, displaying menus on a computer.

Turning to the contribution of the Canon reference, that reference only documents that it is known to provide a touch-sensitive display on a dedicated purpose device. What it does not disclose, however, and what is missing from the rejection generally, is a teaching of generating and displaying menus on a dedicated purpose device that are defined by “markup language documents”. While Applicant concedes that providing display screens on dedicated purpose devices is well known, what is not known is presenting markup language-based menus on such a device.

The concept of presenting markup language-based menus on a dedicated purpose device is not obvious in view of the Hanson/Canon combination. Although Hanson teaches displaying such menus on a computer as a means to control a dedicated purpose device from the computer, there is simply no suggestion to use such menus on the dedicated purpose device. Furthermore, a person having ordinary skill in the art would not be otherwise motivated to use such menus on a dedicated purpose device. Indeed, such a person would be motivated against such a modification given that it would be deemed unnecessary if the menus were not going to be displayed on a computer, as taught in the Hanson reference. It is well known to present menus in a dedicated purpose device display without markup language documents. Indeed, that manner of menu presentation (i.e., without use of markup language documents) is conventional.

Clearly, the only motivation to present markup language-based menus on a dedicated purpose device comes from Applicant’s own disclosure. As is described by Applicant:

The selectable menu items are graphically displayed on the touch sensitive menu screen in the general form of keys or buttons that include

identifying text. Because menu pages are created and driven by markup language documents, they are entirely dynamic. Thus the layout for each menu page, including the keys, text, and other graphical information is easily configurable through the underlying markup language document. Keys and text can be made to appear in virtually any size, shape and position on the touch sensitive menu screen. In addition, new markup language documents can be added to create new menu pages that adapt the touch sensitive menu screen to display and provide access to additional or varied operable functions installed as upgrades to the dedicated purpose device. (Applicant's specification, page 3, line 20 to page 4, line 2)

Neither Hanson nor Canon identifies this motivation, or any other motivation for that matter, for displaying markup language-driven menu pages. Therefore, the true source of the motivation for the proffered modification is that provided by Applicant's disclosure. As is well established in the law, such hindsight to the Applicant's own disclosure is *per se* improper. *See Crown Operations International, Ltd. v. Solutia, Inc.*, 289 F.3d 1367, 62 USPQ2d 1917 (Fed. Cir. 2002).

In view of the foregoing, the rejection does not state a *prima facie* case for obviousness of Applicant's claim 1. As is expressed in the Manual of Patent Examining Procedure (MPEP) section 2143 (emphasis added):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, ***there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching.*** Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed

combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

At least because there is no suggestion or motivation in the references or in the knowledge generally available to one of ordinary skill in the art, Applicant submits that the rejection is improper and should be withdrawn.

Turning to independent claim 13, Applicant recites (emphasis added):

13. On a dedicated purpose device having a touch sensitive menu screen, a method comprising:

serving a markup language document for display as a menu page on the touch sensitive menu screen, the menu page having selectable menu items; and

executing script code associated with a selected menu item.

Regarding claim 13, neither the Hanson reference nor the Canon reference discloses a dedicated purpose device that is configured for "serving a markup language document for display as a menu page on the touch sensitive menu screen" for reasons described above in relation to claim 1. Applicant therefore respectfully requests that the rejection of claims 13-17 be withdrawn.

Referring to independent claim 22, Applicant claims (emphasis added):

22. On a dedicated purpose device having a touch sensitive menu screen, a method comprising:

defining menu pages for display on the touch sensitive menu screen with markup language documents; and

installing upgraded markup language documents that define reconfigured menu pages for display on the touch sensitive menu screen.

As is clear from the discussions provided above, neither the Hanson reference nor the Canon reference disclose “defining menu pages for display on the touch sensitive menu screen with markup language documents”. For at least that reason, the Hanon/Canon combination fails to render obvious claims 22-24. Applicant therefore respectfully requests that the rejection of those claims be withdrawn.

Finally, regarding independent claim 32, Applicant recites (emphasis added):

32. On a dedicated purpose device having a touch sensitive menu screen, a method comprising:

serving a markup language document for display as a menu page on the touch sensitive menu screen, the menu page having selectable menu items;

receiving an event indicator associated with a selected menu item; and

executing a script code associated with the selected menu item.

As is noted above in relation to several others of Applicant’s claims, neither the Hanson reference nor the Canon reference discloses serving markup language documents for display on a menu screen of a dedicated purpose device. It therefore follows that neither reference discloses “serving a markup language document for display as a menu page on the touch sensitive menu screen” as is required by claim 32. In view of at least that deficiency, the Hanson/Canon combination fails to render Applicant’s claims 32-25 obvious. Applicant respectfully requests that the rejection of those claims be withdrawn.

B. Rejection of Claims 25-27

Claims 25-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hanson, Canon, and Teng, et al. (“Teng,” U.S. Pat. No. 6,327,045). Applicant maintains the traversal of this rejection.

As is identified above in reference to independent claim 22, both the Hanson and the Canon references fail to teach explicit features of Applicant’s claimed invention. In that Teng does not remedy the deficiencies of the Hanson and Canon references, Applicant respectfully submits that claims 25-27, which depend from claim 22, are allowable over the Hanson/Canon/Teng combination for at least the same reasons that claim 22 is allowable over Hanson/Canon.

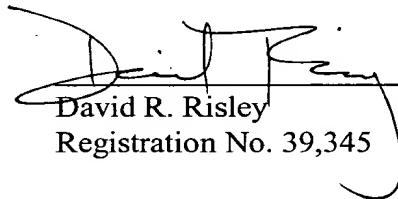
III. Canceled Claims

As identified above, claims 19 and 28-31 have been canceled from the application through this Response without prejudice, waiver, or disclaimer. Applicant reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

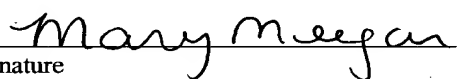
CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,


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2-17-05

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